IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 12655 of 2007(F)

PETITIONER:

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1. K.GOVINDAN MASTER, AGED 62 YEARS,
   SREE SADANAM, RAVENESWARAM, HOSDURG TALUK,
   KASARGOD DISTRICT.

2. A.M.JANARDHANAN NAIR, AGED 56 YEARS,
   PADINJATTAMKOZHUVAL, NEELESWAR P.O.,
   HOSDURG TALUK.

3. M.VALSALA, AGED 42 YEARS, W/O.M.RAVI,
   ANCHAL MOOTHAL HOUSE, P.O.KOTTAPPURAM,
   NEELESWARAM.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS:

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1. THE SUPERINTENDENT OF POLICE, KASARGOD.

2. THE DIRECTOR GENERAL OF POLICE,
   HEAD QUARTERS, THIRUVANANTHAPURAM.

3. STATE OF KERALA, REPRESENTED BY THE
   CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. M.S. BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, ALONG WITH WPC NO. 13785 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(c) Nos.12655 & 13785 OF 2007

Dated this the 31st day of July, 2007

JUDGMENT

These petitions raised an identical grievance – inadequate investigation in two crimes, both registered in relation to the conduct of chitty by the `Puthukai Vainingat Sree Vairajadan Easwaran Kshethra Committee'. The petitioners in these cases submit that a substantial section of humanity in that part of the land is affected by the alleged crimes of cheating committed by the organisers of the said Chitty. Several complaints are pending before the police. Some are directly filed before the police and some are received on reference by the learned Magistrate on the basis of private complaints under Sec.156(3) of the Cr.P.C.

2. The petitioners lament that the police have not really comprehended the magnitude of the problems and the sufferings of a substantial number of people on account of the

impropriety conducted by the said Committee in the conduct of the chitty. On the basis of the observations made by this Court on 9/7/07, arrangements have been made now for constituting a Special Team comprising of the Deputy Superintendent of Police, Crime Detachment, Kasaragod, Circle Inspectors of Police, Kasaragod, Adhur and Hosdurg and one Sub Inspector of Police each from these Circles for the investigation of all the cases connected with Vairajadan Chit Funds, Kasaragod. Orders issued by the Director General of Police dated 26/7/07 has been placed before me along with a report filed by the learned Public Prosecutor.

3. The petitioners complain that considering the magnitude of the challenge before the police, even such a Special Investigation Team may not be sufficient to properly respond. However, I am satisfied that, in the light of the action taken by the Director General of Police, no further specific directions need be issued. I accept the arrangements made by the Director General of Police by order dated 26/7/07. I am satisfied that appropriate direction can be issued to the 1st respondent – the Superintendent of Police, to personally monitor and supervise the investigation by the Special Investigation Team. Such direction, I am satisfied, shall serve the interests of justice

eminently.

4. In the result, these writ petitions are dismissed accepting the subsequent arrangements made by the Director General of Police vide order dated 26/7/07; but with the specific observation and direction to the 1st respondent to personally supervise and monitor the investigation conducted by the Special Investigation Team. Needless to say, the dismissal of these writ petitions will not ,in any way, fetter the rights of the petitioners to approach this Court later, if proper investigation is not conducted.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge